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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,972	12/09/2003	Kenneth M. Slyter	038190/233786	3677

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,972

Applicant(s)

SLYTER, KENNETH

Examiner

Alfred Joseph Wujciak III

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,8-12 and 16-23 is/are rejected.
- 7) ☒ Claim(s) 2,5-7,13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/9/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the first Office Action for the serial number 10/730,972, QUICK RELEASE SUPPORT POST AND ASSOCIATED METHOD, filed on 12/9/03.

Election/Restrictions

On February 15 2005, the restriction was made but it is withdrawn because the examiner realized that all of claims 1-23 are not distinct from each other and they are classified in the same class (248).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 8 and 16, the phrase "sleevelike" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-4, 8 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 3,116,528 to Poe.

Poe teaches an apparatus (figure 5) comprising an elongated rod (1) having a varying cross-section in a longitudinal direction and an elongated sleeve (2) mounted on the elongated rod in a first position to facilitate insertion of a portion of the sleeve in a hole defined by the structure, the sleeve capable of being axially translated along the elongated rod to a second position to facilitate a positive engagement of the portion of the sleeve within the hole. The apparatus comprises at least one attachment element (28) carried by the sleeve, wherein the attachment element is adapted to be attached to the cable. The elongated rod comprises a first portion of a first cross-sectional shape (10) and a second portion (1) of a second cross-sectional shape larger than the first cross-sectional shape and disposed proximate to and displaced in the longitudinal direction from the first portion. The first portion is a first cylindrical portion and the second portion is a second cylindrical portion. The elongated sleeve comprises an expandable engagement member (19) capable of radially expanding as the sleeve is moved from the first position to the second position. The elongated sleeve comprises a sleeve member (part of element 28 that is secured within the elongated sleeve as shown in figure 5) connected to the expandable engagement member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poe in view of US Patent # 6,672,547 to Westerberg et al.

Poe teaches an apparatus (figure 5) comprising an elongated rod (1) having a varying cross-section in a longitudinal direction and an elongated sleeve (2) mounted on the elongated rod in a first position to facilitate insertion of a portion of the sleeve in a hole defined by the structure, the sleeve capable of being axially translated along the elongated rod to a second position to facilitate a positive engagement of the portion of the sleeve within the hole. The apparatus comprises at least one attachment element (28) carried by the sleeve, wherein the attachment element is adapted to be attached to the cable. The elongated rod comprises a first portion of a first cross-sectional shape (10) and a second portion (1) of a second cross-sectional shape larger than the first cross-sectional shape and disposed proximate to and displaced in the longitudinal direction from the first portion. The first portion is a first cylindrical portion and the second portion is a second cylindrical portion. The elongated sleeve comprises an expandable engagement member (19) capable of radially expanding as the sleeve is moved from the first position to the second position. The elongated sleeve comprises a sleeve member (part of element 28 that is secured within the elongated sleeve as shown in figure 5) connected to the expandable engagement member.

Poe teaches the attachment element but fails to teach the attachment element comprises at least one tie member. Westerberg et al. the attachment member (1) comprises the tie member (9). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added tie member to Poe's attachment element as taught by Westerberg et al. to provide additional support for retaining a cable within the attachment element.

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poe.

Poe teaches an apparatus (figure 5) comprising an elongated rod (1) having a varying cross-section in a longitudinal direction and an elongated sleeve (2) mounted on the elongated rod in a first position to facilitate insertion of a portion of the sleeve in a hole defined by the structure, the sleeve capable of being axially translated along the elongated rod to a second position to facilitate a positive engagement of the portion of the sleeve within the hole. The apparatus comprises at least one attachment element (28) carried by the sleeve, wherein the attachment element is adapted to be attached to the cable. The elongated rod comprises a first portion of a first cross-sectional shape (10) and a second portion (1) of a second cross-sectional shape larger than the first cross-sectional shape and disposed proximate to and displaced in the longitudinal direction from the first portion. The first portion is a first cylindrical portion and the second portion is a second cylindrical portion. The elongated sleeve comprises an expandable engagement member (19) capable of radially expanding as the sleeve is moved from the first position to the second position. The elongated sleeve comprises a sleeve member (part of element 28 that is secured within the elongated sleeve as shown in figure 5) connected to the expandable engagement member.

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Poe teaches all elements above but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for installing elements together to provide convenience for retaining the cable within the elements when mounted on a surface.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poe in view of Westerberg et al.

Poe teaches the attachment element but fails to teach the attachment element comprises at least one tie member. Westerberg et al. the attachment member (1) comprises the tie member (9). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added tie member to Poe's attachment element as taught by Westerberg et al. to provide additional support for retaining a cable within the attachment element.

Allowable Subject Matter

Claims 2, 5-7 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regards to claim 2, the prior art fails to teach wherein the at least one attachment element comprises a ring defining an opening larger than the sleeve and a plurality of spokes extending inwardly from the ring to the sleeve. In regard to claims 5-7 and 13-15, the prior art fails to teach the elongated rod comprises a plurality of pairs of first and second portions.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Application Publication # 2004/0206855 to Caveney et al.

US Patent Application Publication # 2004/0021042 to Stephen et al.

US Patent # 4,369,947 to Kuwano

Caveney et al., Stephen et al. and Kuwano teach a cable support for supporting cable adjacent to surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Examiner
Art Unit 3632

AJW


ANITA KING
PRIMARY EXAMINER

4/1/05